

Express Mail No: EL627894581US

Attorney Docket: XY-Sonic-USNP

**IN THE UNITED STATES PATENT AND
TRADEMARK OFFICE**

In Re the Application of: Kristopher S. Buchanan, Lisa Herickhoff, George Seidel, George C. Malachowski, Matthias J.G. Ottenberg, Douglas H. Ferguson

Serial Number: (original US) 60/075,612 (new) _____
(PCT) PCT/US99/03638

Filed: (original US) 20 February 1998 (new) _____
(PCT) 19 February 1999

For: A Vibratory System For A Sorting Flow Cytometer

Group Art Unit:

Examiner:

Assignee:

POWER OF ATTORNEY

I, Nigel M. Ferrey as President of Cytomation, Inc., hereby appoint Santangelo Law Offices, P.C., whose mailing address is 125 South Howes, Third Floor, Fort Collins, Colorado 80521, including Luke Santangelo, whose registration number before the United States Patent and Trademark Office is 31,997, Craig R. Miles, whose registration number before the United States Patent and Trademark Office is 45,954, and Chad C. Soliz, whose registration number before the United States Patent and Trademark Office is P-47,101, as Cytomation, Inc.'s attorney(s)/agent(s) to prosecute this application entitled "A Vibratory System For A Sorting Flow Cytometer" and to transact all business in the Patent Office connected therewith.

Dated this 8 day of August, 2000.

By: [Signature]
Nigel M. Ferrey as President of Cytomation, Inc.

Express Mail No: EL627894581US

Attorney Docket: XY-Sonic-USNP

IN THE UNITED STATES PATENT AND
TRADEMARK OFFICE

In Re the Application of: Kristopher S. Buchanan, Lisa Herickhoff, George Seidel, George
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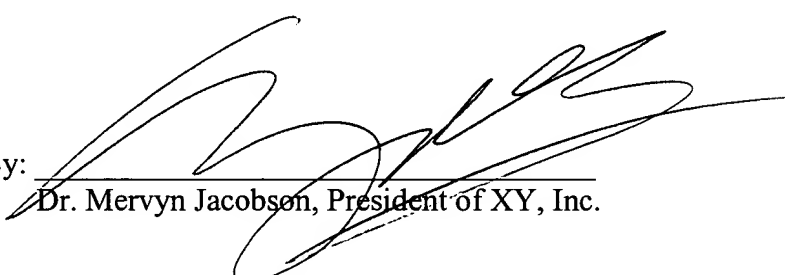
Assignee:

POWER OF ATTORNEY

I, Dr. Mervyn Jacobson, President, hereby appoint Santangelo Law Offices, P.C., whose mailing address is 125 South Howes, Third Floor, Fort Collins, Colorado 80521, including Luke Santangelo, whose registration number before the United States Patent and Trademark Office is 31,997, Craig R. Miles, whose registration number before the United States Patent and Trademark Office is 45,954, and Chad C. Soliz, whose registration number before the United States Patent and Trademark Office is P-47,101, as XY's attorney(s)/agent(s) to prosecute this application entitled "A Vibratory System For A Sorting Flow Cytometer" and to transact all business in the Patent Office connected therewith.

Dated this 8 day of August, 2000.

By:


Dr. Mervyn Jacobson, President of XY, Inc.

Express Mail No: EL627894581US

Attorney Docket: XY-Sonic-USNP

**IN THE UNITED STATES PATENT AND
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In Re the Application of: Kristopher S. Buchanan, Lisa Herickhoff, George Seidel, George
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(PCT) 19 February 1999

For: A Vibratory System For A Sorting Flow Cytometer

Group Art Unit:

Examiner:

Assignee:

POWER OF ATTORNEY

I, Arundeepr S. Pradhan, Director of Technology Transfer, on behalf of the Assignee, Colorado State University Research Foundation as agent for Colorado State University, hereby appoint Santangelo Law Offices, P.C., whose mailing address is 125 South Howes, Third Floor, Fort Collins, Colorado 80521, including Luke Santangelo, whose registration number before the United States Patent and Trademark Office is 31,997, Craig R. Miles, whose registration number before the United States Patent and Trademark Office is 45,954, and Chad C. Soliz, whose registration number before the United States Patent and Trademark Office is P-47,101, as my attorney(s)/agent(s) to prosecute this application entitled "A Vibratory System For A Sorting Flow Cytometer" and to transact all business in the Patent Office connected therewith.

Dated this 16th day of August, 2000.

By: _____



Arundeepr S. Pradhan, Director of Technology
Transfer, on behalf of the Assignee, Colorado
State University Research Foundation as agent
for Colorado State University

Express Mail No: EL627894581US

Attorney Docket: XY-Sonic-USNP

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Filed: (original US) 20 February 1998 (new) _____
(PCT) 19 February 1999

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Group Art Unit:

Examiner:

Assignee:

**VERIFIED STATEMENT ESTABLISHING SMALL ENTITY STATUS
37 CFR 1.9(e)--UNIVERSITY OR OTHER INSTITUTION OF HIGHER LEARNING**

I hereby declare that I am an official empowered to act on behalf of the University identified below:

Colorado State University
c/o Colorado State University Research Foundation
601 South Howes Street, Room 410
Fort Collins, CO 80523

Type of nonprofit organization: University.

I hereby declare that the nonprofit organization identified above is a University or other Institution of Higher Education and therefore qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees to the United States Patent and Trademark Office regarding the invention described in the specification filed herewith with title as listed above.

I hereby declare, to the best of my knowledge, rights under contract or law have been conveyed to and remain with the nonprofit organization except for an exclusive license which has been granted to XY, Inc.

I hereby declare that no rights to the invention are held by any concern which would not qualify as a small business concern under 37 CFR 1.9(d).

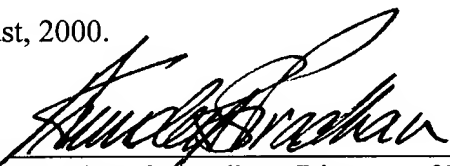
Each person, concern, or organization having any rights in the invention is listed below:

- 1) Colorado State University
c/o Colorado State University Research Foundation
P. O. Box 483
Fort Collins, CO 80523
- 2) XY, Inc.
3801 Rampart Road
ARBL Building
Fort Collins, CO 80523
- 3) Cytomation, Inc.
4850 Innovation Drive
Fort Collins, CO 80525

I acknowledge the duty to file, in this application, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Made under OATH this 16th day of August, 2000.

By: 
Arundeeep S. Pradhan, Director of Technology Transfer
for Colorado State University Research Foundation
agent for Colorado State University

UNITED STATES OF AMERICA)
STATE OF COLORADO) ss.
COUNTY OF LARIMER)

SUBSCRIBED AND SWORN to before me in the County of Larimer, State of Colorado, United States of America, by Arundee S. Pradhan, this 16th day of August, 2000.

WITNESS my hand and official seal pursuant to the authority vested in me as a Notary Public by the State of Colorado.



Dein Marie Kommer
Notary Public
My Commission Expires: 4-9-2004

Express Mail No: EL627894581US

Attorney Docket: XY-Sonic-USNP

**IN THE UNITED STATES PATENT AND
TRADEMARK OFFICE**

In Re the Application of: Kristopher S. Buchanan, Lisa Herickhoff, George Seidel, George C. Malachowski, Matthias J.G. Ottenberg, Douglas H. Ferguson

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Filed: (original US) 20 February 1998 (new) _____
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For: A Vibratory System For A Sorting Flow Cytometer

Group Art Unit:

Examiner:

Assignee:

**VERIFIED STATEMENT ESTABLISHING SMALL ENTITY STATUS
(UNIVERSITY EMPLOYEE)**

I, George E. Seidel, as an above named inventor of the invention described in the specification filed herewith with title as listed above, hereby declare that all actions involving the creation of the above referenced invention were taken by me as an employee who has acted on behalf of Colorado State University a non-profit organization as defined in 37 C.F.R. 1.9(e) for purposes of paying reduced fees to the Patent and Trademark Office.

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who would not qualify as a small business concern under 37 C.F.R. 1.9(d) or a nonprofit organization under 37 C.F.R. 1.9(e).

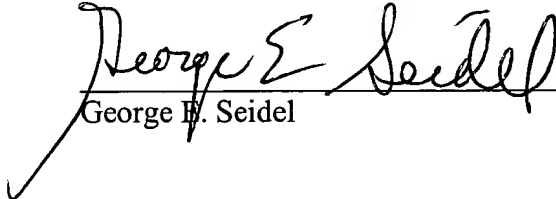
Each person, concern, or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

Colorado State University
c/o Colorado State University Research Foundation
601 South Howes Street, Room 410
Fort Collins, CO 80523

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

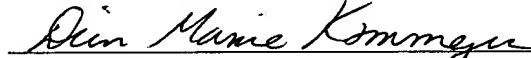
MADE UNDER OATH this 16th day of August, 2000.


George E. Seidel

UNITED STATES OF AMERICA)
STATE OF COLORADO)ss.
COUNTY OF LARIMER)

SUBSCRIBED AND SWORN to before me in the County of Larimer, State of Colorado, United States of America, by George E. Seidel as Inventor, this 16th day of August, 2000.

WITNESS my hand and official seal pursuant to the authority vested in me as a Notary Public by the State of Colorado.


Notary Public
My Commission Expires: 4-9-2004



Express Mail No: EL627894581US

Attorney Docket: XY-Sonic-USNP

**IN THE UNITED STATES PATENT AND
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For: A Vibratory System For A Sorting Flow Cytometer

Group Art Unit:

Examiner:

Assignee:

**VERIFIED STATEMENT ESTABLISHING SMALL ENTITY STATUS
(SMALL BUSINESS CONCERN)**

I, Dr. Mervyn Jacobson as President of XY, Inc., pursuant to 37 C.F.R. Section 1.27(c) state that the following facts are true:

1. I am President of XY, Inc. As such I am empowered to act on behalf of the Assignee.
2. As set forth in 13 C.F.R. Section 121.12, XY, Inc. is an entity whose number of employees, including those of its affiliates, does not exceed 500 persons and which has not assigned, granted, conveyed, or licensed, and is under no obligation under contract or law to assign, grant, convey or license, any rights in the subject matter of the enclosed Patent Application. Exclusive rights to the invention have been conveyed to and remain with XY, Inc. XY, Inc. appears to qualify as a small business concern as defined in 37 C.F.R. Section 1.9(d).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

MADE this 8 day of August, 2000.


By: 

Dr. Mervyn Jacobson as President of XY, Inc.

UNITED STATES OF AMERICA)
STATE OF COLORADO) ss.
COUNTY OF LARIMER)

SUBSCRIBED AND AFFIRMED OR SWORN to before me in the County of Larimer, State of Colorado, United States of America, by Dr. Mervyn Jacobson, this 8 day of August, 2000.

WITNESS my hand and official seal pursuant to the authority vested in me as a Notary Public by the State of Colorado.


Notary Public
My Commission Expires: 7-15-2003



My Commission Expires 07/15/2003

Express Mail No: EL627894581US

Attorney Docket:XY-Sonic-USNP

**IN THE UNITED STATES PATENT AND
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Group Art Unit:

Examiner:

Assignee:


**VERIFIED STATEMENT ESTABLISHING SMALL ENTITY STATUS
(SMALL BUSINESS CONCERN)**

I, Nigel M. Ferrey as President of Cytomation, Inc., pursuant to 37 C.F.R. Section 1.27(c) state that the following facts are true:

1. I am President of Cytomation, Inc. As such I am empowered to act on behalf of the Assignee.
2. As set forth in 13 C.F.R. Section 121.12, Cytomation, Inc. is an entity whose number of employees, including those of its affiliates, does not exceed 500 persons and which has not assigned, granted, conveyed, or licensed, and is under no obligation under contract or law to assign, grant, convey or license, any rights in the subject matter of the enclosed Patent Application. Exclusive rights to the invention have been conveyed to and remain with Cytomation, Inc. Cytomation, Inc. appears to qualify as a small business concern as defined in 37 C.F.R. Section 1.9(d).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

MADE this 8 day of August, 2000.

By: 
Nigel M. Ferrey as President of Cytomation, Inc.

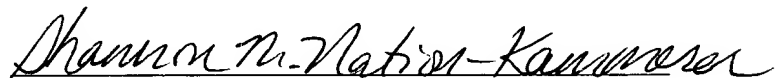
UNITED STATES OF AMERICA)
STATE OF COLORADO) ss.
COUNTY OF LARIMER)

SUBSCRIBED AND AFFIRMED OR SWORN to before me in the County of Larimer, State of Colorado, United States of America, by Nigel M. Ferrey, this 8 day of August, 2000.

WITNESS my hand and official seal pursuant to the authority vested in me as a Notary Public by the State of Colorado.



My Commission Expires 07/15/2003


Notary Public
My Commission Expires: 7-15-2003

Express Mail No: EL627894581US

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Examiner:

Assignee:

DECLARATION FOR PATENT APPLICATION

This Declaration is made by George C. Malachowski, Matthias J.G. Ottenberg and Douglas H. Ferguson.

I, George C. Malachowski, hereby declare:

- I am a citizen of Australia and that my residence and mailing address is 1112 Remington Street, Fort Collins, CO 80524.

I, Matthias J.G. Ottenberg, hereby declare:

- I am a citizen of the United States of America and that my residence and mailing address 3002 Indigo Court, Fort Collins, CO 80525.

I, Douglas H. Ferguson, hereby declare:

- I am a citizen of the United States of America and that my residence and mailing address 37673 587th Avenue, Eden Valley, MN 55329.

We believe that we are the original, first, and inventors of the subject matter which is claimed and for which a patent is sought on the invention:

- as originally entitled "A Vibratory Unclogging Tool for Cytometer Nozzles" the specification of which was filed as United States Application Number 60/075,612, filed on February 20, 1998 (the "Original US Application"), and also
- as PCT Application Number PCT/US99/03638 filed on February 19, 1999, and designating the United States of America; this PCT Application being filed while the Original US Application was pending.


We hereby state that we have reviewed and understand the contents of the above-identified specifications, including the claims.

We hereby claim the benefit under Title 35, United States Code § 119, § 120, § 365 and otherwise of each of the above referenced foreign, United States and PCT patent application(s); there are no foreign applications having a filing date before that of the application(s) on which priority is claimed.

We acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56(a). Further, insofar as the subject matter of any claims of this application was not disclosed in the prior United States or PCT International application I acknowledge the duty to disclose information which is known to be material to patentability as defined in Title 37, Code of Federal Regulations § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

We hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

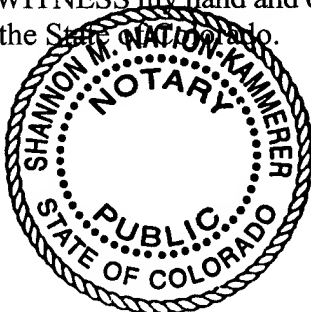
Date: 11th Aug '00



George C. Malachowski

UNITED STATES OF AMERICA)
STATE OF COLORADO)ss.
COUNTY OF LARIMER)

SUBSCRIBED AND AFFIRMED OR SWORN to before me in the County of Larimer, State of Minnesota, United States of America, by George C. Malachowski, this 11 day of August, 2000.

WITNESS my hand and official seal pursuant to the authority vested in me as a Notary Public by the State of Colorado.




Notary Public
My Commission Expires: 7-15-2003

Date: 8/11/00

Matthias J.G. Ottenberg
Matthias J.G. Ottenberg

UNITED STATES OF AMERICA)
STATE OF COLORADO)ss.
COUNTY OF LARIMER)

SUBSCRIBED AND AFFIRMED OR SWORN to before me in the County of Larimer, State of Minnesota, United States of America, by Matthias J.G. Ottenberg, this 11 day of August, 2000.

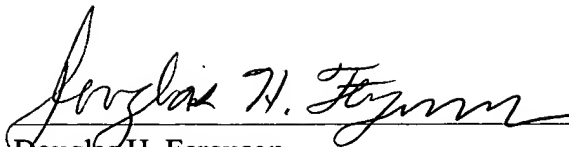
WITNESS my hand and official seal pursuant to the authority vested in me as a Notary Public by the State of Colorado.



My Commission Expires 07/15/2003

Shannon M. Nation-Kammerer
Notary Public
My Commission Expires: 7-15-2003

Date: AUG 18, 2000


Douglas H. Ferguson

UNITED STATES OF AMERICA)
STATE OF MINNESOTA)ss.
COUNTY OF MEeker)

SUBSCRIBED AND AFFIRMED OR SWORN to before me in the County of
MEeker, State of Minnesota, United States of America, by Douglas H. Ferguson, this
15TH day of August, 2000.

WITNESS my hand and official seal pursuant to the authority vested in me as a Notary Public
by the State of Minnesota.

Notary Public

My Commission Expires: _____

Express Mail No: EL627894581US

Attorney Docket: XY-Sonic-USNP

IN THE UNITED STATES PATENT AND
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In Re the Application of: Kristopher S. Buchanan, Lisa Herickhoff, George Seidel, George C. Malachowski, Matthias J.G. Ottenberg, Douglas H. Ferguson

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Group Art Unit:

Examiner:

Assignee:

DECLARATION FOR PATENT APPLICATION

This Declaration is made by Kristopher S. Buchanan and Lisa Herickhoff.

I, Kristopher S. Buchanan, hereby declare:

- I am a citizen of the United States of America and that my residence and mailing address 4300 Shadowbrooke Court, Fort Collins, CO 80526.

I, Lisa Herickhoff, hereby declare:

- I am a citizen of the United States of America and that my residence and mailing address 5123 E. County Road 52, Fort Collins, CO 80524.

We believe that we are the original, first, and inventors of the subject matter which is claimed and for which a patent is sought on the invention:

- as originally entitled "A Vibratory Unclogging Tool for Cytometer Nozzles" the specification of which was filed as United States Application Number 60/075,612, filed on February 20, 1998 (the "Original US Application"), and also
- as PCT Application Number PCT/US99/03638 filed on February 19, 1999, and designating the United States of America; this PCT Application being filed while the

Original US Application was pending.

We hereby state that we have reviewed and understand the contents of the above-identified specifications, including the claims.

We hereby claim the benefit under Title 35, United States Code § 119, § 120, § 365 and otherwise of each of the above referenced foreign, United States and PCT patent application(s); there are no foreign applications having a filing date before that of the application(s) on which priority is claimed.

We acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56(a). Further, insofar as the subject matter of any claims of this application was not disclosed in the prior United States or PCT International application I acknowledge the duty to disclose information which is known to be material to patentability as defined in Title 37, Code of Federal Regulations § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

We hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 8/10/00

Kristopher S. Buchanan
Kristopher S. Buchanan

UNITED STATES OF AMERICA)
STATE OF COLORADO)ss.
COUNTY OF LARIMER)

SUBSCRIBED AND AFFIRMED OR SWORN to before me in the County of Larimer, State of Minnesota, United States of America, by Kristopher S. Buchanan, this 10th day of August, 2000.

WITNESS my hand and official seal pursuant to the authority vested in me as a Notary Public by the State of Colorado.

Patricia Soriano
Notary Public
My Commission Expires: March 2, 2002



Date: Aug 14, 2000

Lisa Herickhoff
Lisa Herickhoff

UNITED STATES OF AMERICA)
STATE OF COLORADO)ss.
COUNTY OF LARIMER)

SUBSCRIBED AND AFFIRMED OR SWORN to before me in the County of Larimer, State of Minnesota, United States of America, by Lisa Herickhoff, this 14 day of August, 2000.

WITNESS my hand and official seal pursuant to the authority vested in me as a Notary Public by the State of Colorado.



My Commission Expires 07/15/2003

Shannon M. Nation-Kammerer
Notary Public
My Commission Expires: 7-15-2003

Express Mail No: EL627894581US

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Group Art Unit:

Examiner:

Assignee:

DECLARATION FOR PATENT APPLICATION

This Declaration is made by George Seidel.

I, George Seidel, hereby declare:

- I am a citizen of the United States of America and that my residence and mailing address
3101 Arrowhead Road, LaPorte, CO 80535.

We believe that we are the original, first, and inventors of the subject matter which is claimed
and for which a patent is sought on the invention:

- as originally entitled " A Vibratory Unclogging Tool for Cytometer Nozzles" the
specification of which was filed as United States Application Number 60/075,612, filed
on February 20, 1998 (the "Original US Application"), and also
- as PCT Application Number PCT/US99/03638 filed on February 19, 1999, and
designating the United States of America; this PCT Application being filed while the
Original US Application was pending.

We hereby state that we have reviewed and understand the contents of the above-identified
specifications, including the claims.

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We hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: August 16, 2000

George Seidel
George Seidel

UNITED STATES OF AMERICA)
STATE OF COLORADO)ss.
COUNTY OF LARIMER)

SUBSCRIBED AND AFFIRMED OR SWORN to before me in the County of Larimer, State of Minnesota, United States of America, by George Seidel, this 16th day of August, 2000.

WITNESS my hand and official seal pursuant to the authority vested in me as a Notary Public by the State of Colorado.

Dein Marie Kommer
Notary Public
My Commission Expires: 8-16-00 OK
4-9-2004